

Senate Study Bill 3101 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act excluding certain portable devices or weapons that
2 direct an electric current from the definition of a
3 dangerous weapon.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 702.7, Code 2018, is amended to read as
2 follows:

3 **702.7 Dangerous weapon.**

4 A "*dangerous weapon*" is any instrument or device designed
5 primarily for use in inflicting death or injury upon a human
6 being or animal, and which is capable of inflicting death
7 upon a human being when used in the manner for which it was
8 designed, except a bow and arrow when possessed and used
9 for hunting or any other lawful purpose. Additionally, any
10 instrument or device of any sort whatsoever which is actually
11 used in such a manner as to indicate that the defendant intends
12 to inflict death or serious injury upon the other, and which,
13 when so used, is capable of inflicting death upon a human
14 being, is a dangerous weapon. Dangerous weapons include but
15 are not limited to any offensive weapon, pistol, revolver, or
16 other firearm, dagger, razor, stiletto, switchblade knife,
17 knife having a blade exceeding five inches in length, or any
18 portable device or weapon ~~directing~~ generating a projectile
19 that directs an electric current, impulse, wave, or beam that
20 produces a high-voltage pulse designed to immobilize a person.

21 EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill excludes certain portable devices or weapons that
25 direct an electric current from the definition of a dangerous
26 weapon.

27 Currently, a dangerous weapon includes any portable device
28 or weapon directing an electric current, impulse, wave, or beam
29 that produces a high-voltage pulse designed to immobilize a
30 person, regardless of whether such a device or weapon generates
31 a projectile.

32 The bill provides that a dangerous weapon includes any
33 portable device or weapon generating a projectile that directs
34 an electric current, impulse, wave, or beam that produces a
35 high-voltage pulse designed to immobilize a person.

1 The exclusion of such a device from the definition of
2 dangerous weapon affects numerous other Code sections and
3 criminal offenses. The affected Code sections include the
4 following: 80A.4 (private investigative agencies and security
5 agents — license requirements), 236.12 (domestic abuse —
6 notification of rights), 280.17A (uniform school requirements
7 — procedures for handling dangerous weapons), 280.17B
8 (students suspended or expelled for possession of dangerous
9 weapons), 708.1 (assault), 708.2 (penalties for assault),
10 708.2A (domestic abuse assault), 708.2C (assault in violation
11 of individual rights), 708.3A (assaults on persons engaged in
12 certain occupations), 708.6 (intimidation with a dangerous
13 weapon), 708.8 (going armed with intent), 708.11 (stalking),
14 708.13 (disarming a peace officer), 708A.1 (terrorism), 709.3
15 (sexual abuse in the second degree), 710.3 (kidnapping in the
16 second degree), 711.2 (robbery in the first degree), 713.3
17 (burglary in the first degree), 713.4 (attempted burglary in
18 the first degree), 713.5 (burglary in the second degree), 713.6
19 (attempted burglary in the second degree), 719.1 (interference
20 with official acts), 719.7 (possessing contraband), 723A.1
21 (criminal street gangs), 724.4 (carrying weapons), 724.4C
22 (possession or carrying dangerous weapons while under the
23 influence), and 902.7 (minimum sentence — use of dangerous
24 weapon).